

Group Exhibit A

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**Pro Hac Vice*

Attorneys for Plaintiffs and the Alleged Class

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**A1 ON TRACK SLIDING DOOR REPAIR
AND INSTALLATION, INC., SYLVIA
SCHICK, and DEBORAH SCHICK,**
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

BRANDREP LLC, a Delaware limited
liability company,

Defendant.

Case No. 3:21-cv-03013-SI

**DECLARATION OF TAYLOR T.
SMITH IN SUPPORT OF MOTION TO
STRIKE THE DECLARATIONS OF
GEORGE C. HUTCHINSON FILED AS
ECF NOS. 30 AND 31**

Date: September 17, 2021
Time: 10:00 AM
Courtroom: 1, 17th Floor
Judge: Hon. Susan Illston
FAC Filed: April 29, 2021

I, Taylor T. Smith, declare under penalty of perjury that the following facts are true and correct to the best of my information and belief:

1. I am one of the attorneys for Plaintiffs A1 On Track Sliding Door Repair and Installation, Inc., Sylvia Schick, and Deborah Schick (collectively "Plaintiffs") and the alleged

1 Class in the above-captioned matter. I am over the age of 18 and can competently testify to the
2 matters set forth herein if called upon to do so.

3 2. Plaintiffs' Complaint was filed on April 26, 2021 against Defendant BrandRep,
4 LLC ("BrandRep"), a Delaware limited liability company, which was later amended on April 29,
5 2021 (dkt. 6).

6 3. On April 30, 2021, the Court issued a summons directed to BrandRep. (Dkt. 8.)
7 Thereafter, Plaintiffs arranged for BrandRep to be served with the summons and a copy of the
8 First Amended Complaint ("FAC").

9 4. On May 4, 2021, Plaintiffs, via process server, served BrandRep's registered agent
10 for the service of process in Delaware. (See First Proof of Service, attached hereto as Exhibit 1.)
11 At this time, BrandRep had not designated a registered agent for service of process in the State of
12 California.

13 5. On May 13, 2021, counsel for BrandRep, George C. Hutchinson, contacted
14 Plaintiffs' counsel to inquire into the status of service.

15 6. That same day, Plaintiffs' counsel provided BrandRep with a copy of the proof of
16 service.

17 7. On May 24, 2021—one day before its deadline to respond to the FAC—
18 BrandRep's counsel again reached out to counsel for Plaintiffs and claimed that it viewed the
19 service as inadequate.

20 8. To ensure proper service, Plaintiffs decided to re-serve BrandRep.

21 9. On June 7, 2021, Plaintiffs, via the Orange County Sheriff's Department
22 ("OCSD"), re-served BrandRep by delivering the Summons and a copy of the FAC to
23 BrandRep's director of sales, Charles Della Sala, who confirmed that he was authorized to accept
24 service on behalf of the company (dkt. 18), placing its deadline to respond to the FAC on or
25 before June 28, 2021.

26 10. After BrandRep again failed to respond to the complaint, Plaintiffs considered
27 filing a request for entry of default. However, based on a lack of clarity regarding Mr. Sala's
28

position within BrandRep, Plaintiffs again arranged to re-serve BrandRep.

11. At this time, Plaintiffs arranged for the OCSD to specifically only serve BrandRep's chief executive officer, Sandy Demitroff. Shortly thereafter, the OCSD contacted Plaintiffs' counsel to inform him that BrandRep had represented that Ms. Demitroff was out of the office for an unspecified period of time. The OCSD sought permission to effectuate service via BrandRep's chief financial officer, Deepak Vakil.

12. On July 13, 2021, Plaintiffs, via the OCSD, served BrandRep by leaving a copy of the FAC and Summons on Deepak Vakil, who stated that he was authorized to accept service on behalf of BrandRep. (*See* Third Proof of Service, attached hereto as Exhibit 2.)

13. Around the same time, Plaintiffs' counsel reviewed BrandRep's California corporate filings, which revealed that BrandRep had designated a registered agent for service of process in the State of California on July 7, 2021.

14. To ensure proper service, Plaintiffs arranged to re-serve BrandRep for a fourth time via its California registered agent.

15. On July 15, 2021, Plaintiffs served BrandRep's California registered agent for service of process (dkt. 24), which placed its deadline to respond on or before August 5, 2021.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed in the State of Colorado, on August 13, 2021.

Respectfully,

/s/ Taylor T. Smith

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Counsel for Plaintiffs and the Putative Class

Exhibit 1

Civil Action No. 3:21-cv-03013-SK

PROOF OF SERVICE*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for (name of individual and title, if any) BrandRep, LLC
 was received by me on (date) 5/3/21 .

☐ I personally served the summons on the individual at (place) _____
 _____ on (date) _____ ; or

☐ I left the summons at the individual's residence or usual place of abode with (name) _____
 _____, a person of suitable age and discretion who resides there,
 on (date) _____, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Jennifer Fowers, who is
 designated by law to accept service of process on behalf of (name of organization) BrandRep, LLC
c/o Cogency Global, Inc., Service time - 10:29 a.m. on (date) 5/4/21 ; or

☐ I returned the summons unexecuted because _____ ; or

☐ Other (specify): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 .

I declare under penalty of perjury that this information is true.

Date: 5/4/21



Server's signature

Robert DeLacy, Process Server

Printed name and title

D. M. Professional Services
501 Silverside Rd, Ste 72
Wilmington, DE 19809

Server's address

Additional information regarding attempted service, etc:

Exhibit 2

ATTORNEY (Name and Address): Woodrow & Peluso, LLC 3900 E. Mexico Ave Suite 300 Denver, CO 80210 EMAIL: ATTORNEY FOR:	SBN: FOR COURT USE ONLY
NAME OF COURT, JUDICIAL DISTRICT or BRANCH COURT, IF ANY: United States District Court for the Northern District of California c/o Woodrow & Peluso, LLC 3900 E Mexico Ave, Ste 300 Denver, CO 80210	
PLAINTIFF: A1 On Track Sliding Door Repair and Installation, Inc. DEFENDANT: BrandRep, LLC	COURT CASE NO: 3:21-CV-03013-SK
Proof of Service of Summons	LEVYING OFFICER FILE NO: 2021505325

1. At the time of the service I was at least 18 years of age and not a party to this action.
2. I served copies of the:
 - f. other (*specify documents*):
First Ameded Class Action Complaint, Summons in a Civil Action
3. a. Party Served (*specify name of party as shown on documents served*):
BrandRep, LLC
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under 5b on whom substituted service was made) (*specify name and relationship to the party named in item 3a*):
Deepak Vakil - CFO
4. Address where party was served: **2850 Red Hill Ave. #100**
Santa Ana, CA 92705
5. I served the party:
 - a. **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: 07/13/2021 at: 11:45 AM.
7. **Person who served the papers:**
 - a. Name: **Technician . B. Darsow-Bowles #6000**
 - b. Address: **909 N Main St, Suite 2, Santa Ana, CA 92701**
 - c. Telephone number: **(714) 569-3700**
 - d. **The fee** for service was: **\$40.00**
8. I **declare** under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: Wednesday, July 14, 2021

by: **B. Bowles #6000**

Sheriff's Authorized Agent
 Don Barnes, Sheriff-Coroner